

**\*E-FILED: May 7, 2013\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN LUNA,

No. C12-03784 HRL

Plaintiff,

**ORDER RE PLAINTIFF'S MOTION  
FOR CLARIFICATION RE  
SPREADSHEET**

v.

UNITED SITE SERVICES OF CALIFORNIA,  
INC.,

**[Re: Docket No. 17]**


Defendant.

Plaintiff Juan Luna seeks an order clarifying whether a spreadsheet totaling his alleged unpaid wages and missed meal and rest breaks is expert testimony or non-expert demonstrative evidence. Based on the discussion at the motion hearing, it appears that there is no dispute over the time plaintiff worked. Rather, the parties disagree as to how plaintiff's compensation for that time should be calculated. Both sides agree that the information in question should be presented to the court in some fashion; and, defendant also wishes to provide the court with a similar summary of its claimed proper calculations. No one contends that the calculations in question are expert evidence. Accordingly, upon consideration of the moving and responding papers, as well as the arguments of counsel, the court rules as follows: Each side will be permitted to present summaries as to their respective calculations of the wages in question,

1 along with testimony as to how their respective summaries were prepared.

2 SO ORDERED.

3 Dated: May 7, 2013

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6 HOWARD R. LLOYD  
7 UNITED STATES MAGISTRATE JUDGE  
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**United States District Court**  
For the Northern District of California

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